

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
Tyler DIVISION  
APPLICATION TO APPEAR PRO HAC VICE

**APPROVED**  
By TDelk at 7:24 am, Oct 15, 2013

1. This application is being made for the following: Case # 6:13-cv-736  
Style/Parties: Marcus v. J.C. Penny Company, Inc., et. al.
2. Applicant is representing the following party/ies: Alan B. Marcus
3. Applicant was admitted to practice in California (state) on 12/10/1985 (date).
4. Applicant is in good standing and is otherwise eligible to practice law before this court.
5. Applicant is not currently suspended or disbarred in any other court.
6. Applicant Has Has not had an application for admission to practice before another court denied (please circle appropriate language). If so, give complete information on a separate page.
7. Applicant Has Has not ever had the privilege to practice before another court suspended (please circle). If so, give complete information on a separate page.
8. Applicant Has Has not been disciplined by a court or Bar Association or committee thereof that would reflect unfavorably upon applicant's conduct, competency or fitness as a member of the Bar (please circle). If so, give complete information on a separate page.
9. Describe in detail on a separate page any charges, arrests or convictions for criminal offense(s) filed against you. Omit minor traffic offenses and misdemeanor offenses committed prior to age 18. (**See Page 3**)
10. There are no pending grievances or criminal matters pending against the applicant.
11. Applicant has been admitted to practice in the following courts:  
S.D. Cal.; C.D. Cal.; N.D. Cal.; 6th Cir. Ct. App.
12. Applicant has read and will comply with the Local Rules of the Eastern District of Texas, including Rule AT-3, the "Standards of Practice to be Observed by Attorneys."
13. Applicant understands that he/she is being admitted for the limited purpose of appearing in the case specified above only.

**Application Oath:**

I, James A. Caputo do solemnly swear (or affirm) that the above information is true; that I will discharge the duties of attorney and counselor of this court faithfully; that I will demean myself uprightly under the law and the highest ethics of our profession; and that I will support and defend the Constitution of the United States.

Date 10/14/2013

Signature /s/James A. Caputo (/s/Signature)

**Application Continued on Page 2**

**EASTERN DISTRICT OF TEXAS**

**APPLICATION TO APPEAR PRO HAC VICE (Continued)**

Name (please print) James A. Caputo  
Bar Number /State 120485  
Firm Name: Robbins Geller Rudman & Dowd LLP  
Address/P.O. Box: 655 West Broadway, Suite 1900  
City/State/Zip: San Diego, CA 92101  
Telephone #: 619/231-1058  
Fax #: 619/231-7423  
E-mail Address: jimc@rgrdlaw.com  
Secondary E-Mail Address: \_\_\_\_\_

This application has been approved for the court on: 10/15/13

David J. Maland, Clerk  
U.S. District Court, Eastern District of Texas

By Jammy Dell  
Deputy Clerk

**Application Instructions**

Complete page 1 and 2 of this Application and Email to phv@txed.uscourts.gov for approval. Once approved, the clerk will email to you your new Login and Password so that you will be able to electronically file your application and pay the \$100 fee on line. If you already have a login and password, you will still need to wait for approval email from the clerk before filing your electronic application. For Complete Instructions please visit the website <http://www.txed.uscourts.gov/>

**Email Application**

This may be used to answer question 9.

9. Describe in detail on a separate page any charges, arrests or convictions for criminal offense(s) filed against you. Omit minor traffic offenses and misdemeanor offenses committed prior to age 18.